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1887.

JUN 28 1886

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
*June 28, 1886.*

*Resolved*, That the entire Executive Journal of the Senate, from the 23d February, 1829, the date to which the said proceedings have already been printed and published by order of the Senate, be printed, to the end of the last session of the Fortieth Congress, under the direction of the Secretary of the Senate, with a copious and comprehensive index to each volume, and that one hundred copies thereof be printed.

*Resolved*, That until the further order of the Senate the said print shall not be made public.

Attest:

ANSON G. MCCOOK,  
*Secretary.*

EXECUTIVE PROCEEDINGS OF THE SENATE OF THE UNITED STATES AT A SESSION SPECIALLY CALLED.

SATURDAY, MARCH 4, 1837.

*The President of the United States to ———, Senator for the State of ——— :*

By virtue of the power vested in me by the Constitution, I hereby convene the Senate of the United States to meet in the Senate Chamber on the fourth day of March next, at 10 o'clock in the forenoon, to receive any communication the President of the United States may think it his duty to make.

ANDREW JACKSON.

DECEMBER 20TH, 1836.

In conformity with the above-recited summons from the President of the United States, the Senate assembled in their Chamber, in the city of Washington.

PRESENT :

The Honorable Richard M. Johnson, Vice-President of the United States and President of the Senate.

*From the State of New Hampshire.*

The Honorable { Henry Hubbard,  
Franklin Pierce.

*From the State of Massachusetts :*

The Honorable { John Davis,  
Daniel Webster.

*From the State of Rhode Island and Providence Plantations.*

The Honorable { Nehemiah R. Knight,  
Asher Robbins.

*From the State of Connecticut.*

The Honorable { John M. Niles,  
Perry Smith.

*From the State of Vermont.*

The Honorable { Samuel Prentiss,  
Benjamin Swift.

*From the State of New York.*

The Honorable { Nathaniel P. Tallmadge,  
Silas Wright.

*From the State of New Jersey.*

The Honorable { Samuel L. Southard,  
Garret D. Wall.

*From the State of Pennsylvania.*

The Honorable { James Buchanan,  
Samuel McKean.

*From the State of Delaware.*

The Honorable { Richard H. Bayard,  
Thomas Clayton.

*From the State of Maryland.*

The Honorable { Joseph Kent,  
John S. Spence.

*From the State of Virginia.*

The Honorable { Richard E. Parker,  
William C. Rives.

*From the State of North Carolina.*

The Honorable Bedford Brown.

*From the State of South Carolina.*

The Honorable { John C. Calhoun,  
William C. Preston.

*From the State of Georgia.*

The Honorable { Alfred Cuthbert,  
John P. King.

*From the State of Kentucky.*

The Honorable { Henry Clay,  
John J. Crittenden.

*From the State of Tennessee.*

The Honorable { Felix Grundy,  
Hugh L. White.

*From the State of Ohio.*

The Honorable { William Allen,  
Thomas Morris.

*From the State of Louisiana.*

The Honorable { Alexander Mouton,  
Robert C. Nicholas.

*From the State of Indiana.*

The Honorable { Oliver H. Smith,  
John Tipton.

*From the State of Mississippi.*

The Honorable { John Black,  
Robert J. Walker.

*From the State of Illinois.*

The Honorable { Richard M. Young,  
John M. Robinson.

*From the State of Alabama.*

The Honorable William R. King.

*From the State of Maine.*

The Honorable { John Ruggles,  
Reuel Williams.

*From the State of Missouri.*

The Honorable { Thomas H. Benton,  
Lewis F. Linn.

*From the State of Arkansas.*

The Honorable { William S. Fulton,  
Ambrose H. Sevier.

*From the State of Michigan.*

The Honorable { John Norvell,  
Lucius Lyon.

Mr. King, of Alabama, administered the oath to the Vice President, who thereupon took the chair and addressed the Senate as follows:

“GENTLEMEN OF THE SENATE: In entering upon the discharge of the duties of the presiding officer of this body, the necessity of addressing its members has been very much lessened, if not superseded, by the opportunity afforded me of presenting some of my sentiments when I accepted the situation. I cannot, however, permit the present occasion

to pass without again tendering to you my grateful acknowledgments for the honor conferred upon me by your choice.

"There is not, in my opinion, upon this globe, a legislative body more respectable and more exalted in character than the Senate of the United States; and there is not, perhaps, a deliberative assembly existing where the presiding officer has less difficulty in preserving order. This facility is attributable principally to two causes—the intelligence and patriotism of the members who compose the body, and that personal respect and courtesy which have always been extended from one member to another in its deliberations. These qualities have a tendency to produce a unity of design and a mutual confidence in the ultimate object of all, whatever difference of opinion may exist in relation to the means of gaining the common end, and inculcate that sentiment of equality among the members which constitutes the essential principle of our free institutions, and which will never cease to animate a body so enlightened as this. These reflections have mitigated the intense anxiety of mind and well-founded apprehensions arising from a consciousness of my own deficiency of qualifications to preside over this elevated body.

"In the exercise of the powers conferred upon me by the Constitution, it shall be my effort to pursue that course of conduct which has recommended me to the consideration of my fellow-citizens—a faithful discharge of my public duties to the extent of my abilities, and in a manner that shall seem best calculated to give satisfaction to all.

"Contemplating the duties and ceremonies of this day, it might be considered improper in me to consume any more of your time by adverting to other subjects, however relevant to the new position which I now occupy. I shall, therefore, close my remarks by informing the Senate that I am now ready to proceed with them to the business for which we are assembled."

Mr. Tipton presented the credentials of the Honorable Oliver H. Smith, appointed a Senator in the Congress of the United States for the State of Indiana for the term of six years from the 3d day of March, 1837.

Mr. Robinson presented the credentials of the Honorable Richard M. Young, appointed a Senator by the legislature of the State of Illinois for six years from the fourth of March, 1837.

Mr. Morris presented the credentials of the Honorable William Allen, appointed a Senator by the legislature of the State of Ohio for six years from and after the 4th of March, 1837.

Mr. Ruggles presented the credentials of the Honorable Reuel Williams, elected a Senator by the legislature of the State of Maine to fill the vacancy occasioned by the resignation of the Honorable Ether Shepley.

Mr. Niles presented the credentials of the Honorable Perry Smith, appointed a Senator by the legislature of the State of Connecticut for six years from the third day of March, 1837.

The said credentials were read, the oath prescribed by law was administered to the said Senators respectively, and they took their seats in the Senate.

The oath prescribed by law was also administered to Mr. Buchanan, Mr. Linn, Mr. Mouton, Mr. Pierce, Mr. Preston, Mr. Prentiss, Mr. Spence, and Mr. Wright, whose credentials were read and filed during the last session.

The Honorable Ambrose H. Sevier, whose credentials were read the 27th February, 1837, appearing for the purpose of being qualified,

On motion by Mr. King, of Alabama,

*Ordered*, That the further consideration of the same be postponed to Monday next.

The President of the United States, ex-President, Chief Justice of the Supreme Court, heads of Departments, and foreign ministers having entered the Senate Chamber, the Senate proceeded with them to the eastern portico, where the President of the United States delivered the following address:

FELLOW-CITIZENS: The practice of all my predecessors imposes on me an obligation I cheerfully fulfill—to accompany the first and solemn act of my public trust with an avowal of the principles that will guide me in performing it and an expression of my feelings on assuming a charge so responsible and vast. In imitating their example I tread in the footsteps of illustrious men, whose superiors it is our happiness to believe are not found on the executive calendar of any country. Among them we recognize the earliest and firmest pillars of the Republic; those by whom our national independence was first declared; him who, above all others, contributed to establish it on the field of battle, and those whose expanded intellect and patriotism constructed, improved, and perfected the inestimable institutions under which we live. If such men, in the position I now occupy, felt themselves overwhelmed by a sense of gratitude for this, the highest of all marks of their country's confidence, and by a consciousness of their inability adequately to discharge the duties of an office so difficult and exalted, how much more must these considerations affect one who can rely on no such claims for favor or forbearance? Unlike all who have preceded me, the Revolution, that gave us existence as one people, was achieved at the period of my birth; and whilst I contemplate with grateful reverence that memorable event, I feel that I belong to a later age, and that I may not expect my countrymen to weigh my actions with the same kind and partial hand.

So sensibly, fellow-citizens, do these circumstances press themselves upon me, that I should not dare to enter upon my path of duty, did I not look for the generous aid of those who will be associated with me in the various and co-ordinate branches of the Government; did I not repose with unwavering reliance on the patriotism, the intelligence, and the kindness, of a people who never yet deserted a public servant honestly laboring in their cause; and, above all, did I not permit myself humbly to hope for the sustaining support of an ever-watchful and beneficent Providence.

To the confidence and consolation derived from these sources, it would be ungrateful not to add those which spring from our present fortunate condition. Though not altogether exempt from embarrassments that disturb our tranquillity at home and threaten it abroad, yet, in all the attributes of a great, happy, and flourishing people, we stand without a parallel in the world. Abroad, we enjoy the respect, and, with scarcely an exception, the friendship of every nation. At home, while our Government quietly but efficiently performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found.

How imperious, then, is the obligation imposed upon every citizen in his own sphere of action, whether limited or extended, to exert himself in perpetuating a condition of things so singularly happy. All the lessons of history and experience must be lost upon us, if we are content to trust alone to the peculiar advantages we happen to possess. Position and climate, and the bounteous resources that nature has scat-

tered with so liberal a hand—even the diffused intelligence and elevated character of our people—will avail us nothing if we fail sacredly to uphold those political institutions that were wisely and deliberately formed with reference to every circumstance that could preserve or might endanger the blessings we enjoy. The thoughtful framers of our Constitution legislated for our country as they found it. Looking upon it with the eyes of statesmen and patriots, they saw all the sources of rapid and wonderful prosperity; but they saw also that various habits, opinions, and institutions, peculiar to the various portions of so vast a region were deeply fixed. Distinct sovereignties were in actual existence whose cordial union was essential to the welfare and happiness of all. Between many of them there was, at least to some extent, a real diversity of interests, liable to be exaggerated through sinister designs; they differed in size, in population, in wealth, and in actual and prospective resources and power; they varied in the character of their industry and staple productions; and [in some] existed domestic institutions which, unwisely disturbed, might endanger the harmony of the whole. Most carefully were all these circumstances weighed, and the foundations of the new Government laid upon principles of reciprocal concession and equitable compromise. The jealousies which the smaller States might entertain of the power of the rest were allayed by a rule of representation confessedly unequal at the time, and designed forever to remain so. A natural fear that the broad scope of general legislation might bear upon and unwisely control particular interests was counteracted by limits strictly drawn around the action of the Federal authority; and to the people and the States was left unimpaired their sovereign power over the innumerable subjects embraced in the internal government of a just Republic, excepting such only as necessarily appertain to the concerns of the whole confederacy, or its intercourse, as a united community, with the other nations of the world.

This provident forecast has been verified by time. Half a century, teeming with extraordinary events, and elsewhere producing astonishing results, has passed along; but on our institutions it has left no injurious mark. From a small community we have risen to a people powerful in numbers and in strength; but with our increase has gone, hand in hand, the progress of just principles; the privileges, civil and religious, of the humblest individual are still sacredly protected at home; and while the valor and fortitude of our people have removed far from us the slightest apprehension of foreign power, they have not yet induced us, in a single instance, to forget what is right. Our commerce has been extended to the remotest nations; the value, and even nature, of our productions have been greatly changed; a wide difference has arisen in the relative wealth and resources of every portion of our country; yet the spirit of mutual regard and of faithful adherence to existing compacts has continued to prevail in our councils, and never long been absent from our conduct. We have learned by experience a fruitful lesson—that an implicit and undeviating adherence to the principles on which we set out can carry us prosperously onward through all the conflicts of circumstances and vicissitudes inseparable from the lapse of years.

The success that has thus attended our great experiment is, in itself, a sufficient cause for gratitude, on account of the happiness it has actually conferred and the example it has unanswerably given. But to me, my fellow citizens, looking forward to the far-distant future, with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the

perpetuity of our institutions depends upon ourselves; that if we maintain the principles on which they were established, they are destined to confer their benefits on countless generations yet to come, and that America will present to every friend of mankind the cheering proof that a popular government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago its rapid failure was boldly predicted. Latent and uncontrollable causes of dissolution were supposed to exist, even by the wise and good; and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fears of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily, but reluctantly made, and see how, in every instance, they have completely failed.

An imperfect experience during the struggles of the Revolution was supposed to warrant the belief that the people would not bear the taxation requisite to discharge an immense public debt already incurred, and to pay the necessary expenses of the Government. The cost of two wars has been paid, not only without a murmur, but with unequaled alacrity. No one is now left to doubt that every burden will be cheerfully borne that may be necessary to sustain our civil institutions or guard our honor or welfare. Indeed, all experience has shown that the willingness of the people to contribute to these ends in cases of emergency has uniformly outrun the confidence of their representatives.

In the early stages of the new Government, when all felt the imposing influence, as they recognized the unequaled services of the first President, it was a common sentiment that the great weight of his character could alone bind the discordant materials of our Government together, and save us from the violence of contending factions. Since his death nearly forty years are gone; party exasperation has been often carried to its highest point; the virtue and fortitude of the people have sometimes been greatly tried; yet our system, purified and enhanced in value by all it has encountered, still preserves its spirit of free and fearless discussion, blended with unimpaired fraternal feeling.

The capacity of the people for self-government, and their willingness, from a high sense of duty, and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of municipal law, have also been favorably exemplified in the history of the American States. Occasionally, it is true, the ardor of public sentiment, outrunning the regular progress of the judicial tribunals, or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government, and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been far less frequent in our country than in any other of equal population on the globe; and with the diffusion of intelligence it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow-citizens will assuredly in time produce this result, for, as every assumption of illegal power not only wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the landmarks of social order, and maintaining, on all occasions, the inviolability of those constitutional and legal provisions which they themselves have made.

In a supposed unfitness of our institutions for those hostile emergencies which no country can always avoid, their friends found a fruitful source of apprehension, their enemies of hope. While they foresaw

less promptness of action than in governments differently formed, they overlooked the far more important consideration that, with us, war could never be the result of individual or irresponsible will, but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice, who would consequently feel an individual interest in the contest, and whose energy would be commensurate with the difficulties to be encountered. Actual events have proved their error; the last war, far from impairing, gave new confidence to our Government, and amid recent apprehensions of a similar conflict, we saw that the energies of our country would not be wanting in ample season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever-ready military organization of other nations; we may occasionally suffer in the outset for the want of it; but among ourselves all doubt upon this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad.

Certain danger was foretold from the extension of our territory, the multiplication of States, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our confederacy are already doubled; and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the Republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient than it is at its present limits; new and inexhaustible sources of general prosperity have been opened; the effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions, and the enlarged variety and amount of interests, productions, and pursuits have strengthened the chain of mutual dependence and formed a circle of mutual benefits too apparent ever to be overlooked.

In justly balancing the powers of the Federal and State authorities, difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these it was scarcely believed possible that a scheme of government so complex in construction could remain uninjured. From time to time embarrassments have certainly occurred; but how just is the confidence of future safety imparted by the knowledge that each in succession has been happily removed. Overlooking partial and temporary evils as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the Federal Government has successfully performed its appropriate functions in relation to foreign affairs and concerns evidently national, that of every State has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much toward one or the other, it is unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions, and to elevate our whole country in prosperity and renown.

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise, that, in spite of every sinister foreboding, it never until the present period disturbed the tranquility of our common country.

Such a result is sufficient evidence of the justice and the patriotism of their course; it is evidence not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as from every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included? Amidst the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and, standing as I now do before my countrymen in this high place of honor and of trust, I cannot refrain from anxiously invoking my fellow citizens never to be deaf to its dictates. Perceiving before my election the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood. At least they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, "I must go into the presidential chair the inflexible and uncompromising opponent of every attempt on the part of Congress to abolish slavery in the District of Columbia against the wishes of the slaveholding States; and also with a determination equally decided to resist the slightest interference with it in the States where it exists." I submitted also to my fellow-citizens, with fullness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in, by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add that no bill conflicting with these views can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the Republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable, and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed, and that in this, as in every other instance, the apprehensions of the timid and the hopes of the wicked for the destruction of our Government are again destined to be disappointed. Here and there, indeed, scenes of dangerous excitement have occurred, terrifying instances of local violence have been witnessed, and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of the people nor sections of the country have been swerved from their devotion to the bond of union and the principles it has made sacred. It will be ever thus. Such attempts at dangerous agitation may periodically return, but with each the object will be better understood. That predominating affection for our political system which prevails throughout our territorial limits, that calm and enlightened judgment which ultimately governs our people as one vast body, will always be at hand to resist and control every effort, foreign or domestic, which aims, or would lead, to overthrow our institutions.

What can be more gratifying than such a retrospect as this? We look back on obstacles avoided and dangers overcome; on expectations more than realized, and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious, actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding, and our Constitution surmount every adverse circumstance dreaded at the outset as beyond control.

Present excitement will at all times magnify present dangers ; but true philosophy must teach us that none more threatening than the past can remain to be overcome ; and we ought, for we have just reason to entertain an abiding confidence in the stability of our institutions, and an entire conviction that, if administered in the true form, character, and spirit in which they were established, they are abundantly adequate to preserve to us and our children the rich blessings already derived from them ; to make our beloved land for a thousand generations that chosen spot where happiness springs from a perfect equality of political rights.

For myself, therefore, I desire to declare that the principle that will govern me in the high duty to which my country calls me is a strict adherence to the letter and spirit of the Constitution as it was designed by those who framed it. Looking back to it as a sacred instrument carefully and not easily framed, remembering that it was throughout a work of concession and compromise, viewing it as limited to national objects, regarding it as leaving to the people and the States all power not explicitly parted with, I shall endeavor to preserve, protect, and defend it by anxiously referring to its provision for direction in every action. To matters of domestic concernment which it has intrusted to the Federal Government, and to such as relate to our intercourse with foreign nations, I shall zealously devote myself. Beyond those limits I shall never pass.

To enter, on this occasion, into a further or more minute exposition of my views on the various questions of domestic policy, would be as obtrusive as it is probably unexpected. Before the suffrages of my countrymen were conferred upon me, I submitted to them with great precision, my opinions on all the most prominent of these subjects. Those opinions I shall endeavor to carry out with my utmost ability.

Our course of foreign policy has been so uniform and intelligible as to constitute a rule of executive conduct which leaves little to my discretion, unless, indeed, I were willing to run counter to the lights of experience, and the known opinions of my constituents. We sedulously cultivate the friendship of all nations, as the condition most compatible with our welfare and the principles of our Government. We decline alliances as adverse to our peace. We desire commercial relations on equal terms, being ever willing to give a fair equivalent for advantages received. We endeavor to conduct our intercourse with openness and sincerity ; promptly avowing our objects, and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition, and we disclaim all right, to meddle in disputes, whether internal or foreign, that may molest other countries ; regarding them in their actual state as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valor of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression ; and, in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination never to permit an invasion of our rights without punishment or redress.

In approaching, then, in the presence of my assembled countrymen, to make the solemn promise that yet remains, and to pledge myself that I will faithfully execute the office I am about to fill, I bring with me a settled purpose to maintain the institutions of my country, which, I trust, will atone for the errors I commit.

In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with

equal ability and success. But, united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path. For him, I but express with my own, the wishes of all—that he may yet long live to enjoy the brilliant evening of his well-spent life; and, for myself, conscious of but one desire, faithfully to serve my country, I throw myself, without fear, on its justice and its kindness. Beyond that I only look to the gracious protection of the Divine Being, whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of His providence to bless our beloved country with honors and with length of days; may her ways be ways of pleasantness, and all her paths be peace.

The oath of office was administered to the President by the Chief Justice, and the Senate returned to their Chamber.

On motion by Mr. King, of Alabama,

The Senate adjourned until 12 o'clock on Monday next.

#### MONDAY, MARCH 6, 1837.

On motion by Mr. Tallmadge,

*Ordered*, That a committee be appointed to wait on the President of the United States and notify him that the Senate is assembled and ready to receive any communications he may be pleased to make to them.

It was agreed that the Vice-President appoint the committee; and Mr. Tallmadge and Mr. Crittenden were appointed accordingly.

On motion by Mr. Hubbard,

*Resolved*, That the several standing committees of the Senate appointed at the last session be continued during the present session.

The Senate resumed the consideration of the credentials of the Honorable Ambrose H. Sevier; and,

On motion by Mr. Fulton,

*Ordered*, That they be referred to the Committee on the Judiciary.

Mr. King, of Georgia, stated that the Honorable Alfred Cuthbert had been duly elected a Senator by the legislature of the State of Georgia for the term of six years commencing on the fourth day of March, 1837, but that through some casualty his credentials had not been forwarded.

The oath prescribed by law was thereupon administered to Mr. Cuthbert by the Vice-President.

On motion by Mr. Swift,

*Resolved*, That John Shackford, Sergeant-at-Arms and Doorkeeper of the Senate, have leave of absence during the remainder of the session.

Mr. Tallmadge, from the committee to wait on the President of the United States and notify him that the Senate is assembled and ready to receive any communications he may be pleased to make, reported that they had performed that duty, and that the President informed them that he would to morrow make a communication to the Senate.

The Senate resumed the consideration of the message of the 3d instant nominating John Catron and William Smith to be associate judges of the Supreme Court of the United States; and,

On motion by Mr. Grundy,

*Ordered*, That it be referred to the Committee on the Judiciary.

The Senate resumed the consideration of the message of the 3d instant nominating Alcée La Branch as chargé d'affaires to the Republic of Texas; and,

On motion by Mr. Wright,

*Ordered*, That it be referred to the Committee on Foreign Relations.

The Senate resumed the consideration of the message of the 3d instant nominating certain officers for promotions and appointment in the Army of the United States; and,

On motion by Mr. Benton,

*Ordered*, That it be referred to the Committee on Military Affairs.

The Senate resumed the consideration of the nomination of Daniel B. Turner, contained in the message of the 6th of January last; and,

On motion by Mr. Robinson,

*Ordered*, That it be postponed until to-morrow.

The Senate resumed the consideration of the message of the 2d instant nominating Benjamin K. Pierce and others for brevet promotions in the Army.

On motion by Mr. Benton that the question be taken on the nomination of Benjamin K. Pierce by yeas and nays,

On motion by Mr. Tipton,

*Ordered*, That the message be postponed until to-morrow.

The Senate then adjourned.

## TUESDAY, MARCH 7, 1837.

The Vice-President being absent, the Senate proceeded to the choice of a President *pro tempore*; and,

On counting the ballots, it appeared that the Honorable William R. King had a majority and was elected.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred the credentials of the Honorable Ambrose H. Sevier, submitted the following report:

The Committee on the Judiciary, to whom was referred the credentials of the Honorable Ambrose H. Sevier, have had the same under consideration, and submit the following report:

At the last session of Congress the State of Arkansas was admitted into the Union, and the legislature of that State, in the month of October, 1836, elected Ambrose H. Sevier and William S. Fulton Senators to represent the State in the Senate of the United States. It also appears that upon the allotment of the said Arkansas Senators to their respective classes, as required by the third section of the first article of the Constitution, the said Ambrose H. Sevier was placed in the class of Senators whose term of service expired on the 3d day of March, 1837, and that the legislature of Arkansas have had no opportunity of filling the vacancy, not having been in session since the fact that the vacancy would occur could have been known in that State. The governor of the State of Arkansas, on the 17th day of January last, commissioned the said Sevier as Senator to fill the vacancy which would take place on the 3d of March. Upon this state of the case, the question is presented whether the said Ambrose H. Sevier is entitled to his seat under the appointment made by the executive of the State of Arkansas. In looking into the practice of the Senate upon the subject of executive appointments, no case like the present has been found. Several cases have occurred in which the executives of different States, in anticipation of the expiration of the regular term of service, have appointed Senators (the legislatures not being in session), and in all of these

cases, the Senators thus appointed were admitted to their seats, until the called session of the Senate in March, 1825, when Mr. Lanman, of Connecticut, whose term of service expired on the 3d of March, 1825, produced his credentials from the governor of Connecticut, and the Senate decided he was not entitled to his seat by a vote of 23 to 18.

This decision seems to have been generally acquiesced in since that time, nor is it intended by the committee to call its correctness in question. The principle asserted in that case is that the legislature of a State, by making elections themselves, shall provide for all vacancies which must occur at stated and known periods, and that the expiration of a regular term of service is not such a contingency as is embraced in the second section of the first article of the Constitution.

The case now under consideration is wholly different in principle. The time when Mr. Sevier was to go out of office, under his election made by the legislature of Arkansas, was decided by lot, agreeably to the provisions of the Constitution on that subject. After the decision thus made the legislature of Arkansas, not being in session, could not supply the vacancy; and the case, in the opinion of the committee, comes fairly within the provision of the Constitution contained in the third section of the first article, which declares: "And if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies."

The committee are of opinion that Mr. Sevier is entitled to his seat under the executive appointment of the 17th of January, 1837, and therefore submit the following resolution:

*Resolved*, That the Honorable Ambrose H. Sevier, appointed a Senator by the governor of the State of Arkansas, have the oath required by the Constitution administered to him.

The Senate proceeded to consider the resolution; and,

On motion by Mr. King, of Georgia,

*Ordered*, That it lie on the table, and that the report be printed.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States:*

I nominate to the Senate Henry Wheaton, now chargé d'affaires, to be envoy extraordinary and minister plenipotentiary of the United States at the court of His Majesty the King of Prussia.

M. VAN BUREN.

WASHINGTON, March 6th, 1837.

*To the Senate of the United States:*

I nominate to the Senate Powhatan Ellis, of Mississippi, to be envoy extraordinary and minister plenipotentiary of the United States to the United Mexican States, to be sent whenever circumstances will permit a renewal of diplomatic intercourse honorably with that power.

M. VAN BUREN.

WASHINGTON, March 6th, 1837.

*To the Senate of the United States:*

I nominate to the Senate George M. Dallas, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States to the court of His Majesty the Emperor of all the Russias.

M. VAN BUREN.

WASHINGTON, March 6th, 1837.

*To the Senate of the United States:*

I nominate to the Senate William W. Chew, of the county of Philadelphia, to be secretary of the legation of the United States to the court of His Majesty the Emperor of all the Russias.

WASHINGTON, March 6th, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate to the Senate William H. Haywood, of North Carolina, to be chargé d'affaires of the United States to the King of Belgium.

WASHINGTON, March 6th, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate Joel K. Poinsett, of the State of South Carolina, to be Secretary of War of the United States, the said office being now held by Benjamin F. Butler, whose appointment will expire by the terms thereof so soon as a person duly appointed shall have accepted and entered on the duties of said office.

WASHINGTON, March 7th, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate to the Senate Abraham Van Buren to be secretary authorized under the sixth section of the act to reorganize the General Land Office, approved the 4th of July, 1836, in the place of Andrew Jackson, jr., whose commission has expired.

WASHINGTON, March 6th, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate to the Senate James C. Gallaher, of Philadelphia, to be consul for the port of Ponce, in the island of Porto Rico.

WASHINGTON, March 6th, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate to the Senate John R. Conway, of Arkansas, to be surveyor to run the southwestern boundary line of the United States, as provided by law.

WASHINGTON, March 6th, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate to the Senate John Bell to be surveyor of public lands acquired by the treaty with the Chickasaw Indians, from the 8th day of March, 1837, when his present commission expires.

WASHINGTON, March 6th, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate to the Senate Hiram G. Runnels, of Mississippi, to be commissioner to run the southwestern boundary line of the United States, as provided by law.

WASHINGTON, March 6th, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate Heman Lowry to be marshal of the United States for the district of Vermont.

WASHINGTON, March 6th, 1837.

M. VAN BUREN.

*To the Senate of the United States :*

I nominate John P. Henry, of the State of Georgia, to be Navy agent for Savannah, whose term of service expired on the 3d instant.

M. VAN BUREN.

WASHINGTON CITY, 6th March, 1837.

*To the Senate of the United States :*

I nominate for appointment the following officers of the customs, viz :

John Anderson to be collector of the customs for the district of Portland and Falmouth, in the State of Maine, from the 11th day of March, 1837, in place of John Chandler, who declines a reappointment.

John F. Scamman to be collector of the customs for the district and inspector of the revenue for the port of Saco, in the State of Maine, from the 11th day of March, 1837, when his present commission will expire.

Barnabas Palmer to be collector of the customs for the district and inspector of the revenue for the port of Kennebunk, in the State of Maine, from the 11th day of March, 1837, when his present commission will expire.

Mark Dennet to be collector of the customs for the district and inspector of the revenue for the port of York, in the State of Maine, from the 11th day of March, 1837, when his present commission will expire.

Scuyler Sampson to be collector of the customs for the district and inspector of the revenue for the port of Plymouth, in the State of Massachusetts, from the 11th of March, 1837, when his present commission will expire.

Walter R. Danforth to be collector of the customs for the district of Providence, in the State of Rhode Island, from the 11th day of March, 1837, when his present commission will expire.

Noah A. Phelps to be collector of the customs for the district of Middletown, in the State of Connecticut, from the 11th day of March, 1837, when his present commission will expire.

William H. Ellis to be collector of the customs for the district of New Haven, in the State of Connecticut, from the 11th day of March, 1837, when his present commission will expire.

John Willis to be collector of the customs for the district and inspector of the revenue for the port of Oxford, in the State of Maryland, from the 9th day of March, 1837, when his present commission will expire.

Sam'l Starkweather to be collector of the customs for the district of Cuyahoga and inspector of the revenue for the port of Cleveland, in the State of Ohio, from the 11th day of March, 1837, when his present commission will expire.

P. R. R. Pray to be collector of the customs for the district of Pearl River and inspector of the revenue for the port of Pearlington, in the State of Mississippi, from the 11th day of March, 1837, when his present commission will expire.

Charles Durfee to be surveyor and inspector of the revenue for the port of Tiverton, in the State of Rhode Island, from the 11th day of March, 1837, when his present commission will expire.

George Brown to be surveyor and inspector of the revenue for the port of Pawcatuck, in the State of Rhode Island, from the 12th day of March, 1837, when his present commission will expire.

James Mosher to be surveyor and inspector of the revenue for the port of Baltimore, in the State of Maryland, from the 11th day of March, 1837, when his present commission will expire.

Joseph Prentiss to be surveyor and inspector of the revenue for the port of Suffolk, in the State of Virginia, from the 10th day of March, 1837, when his present commission will expire.

Miles Elliott, jr., to be surveyor and inspector of the revenue for the port of Hartford, in the State of North Carolina, from the 14th day of March, 1837, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 6th*, 1837.

The messages were severally read.

The Senate proceeded, by unanimous consent, to the consideration of the message nominating Henry Wheaton; and,

On motion by Mr. Buchanan,

*Resolved*, That the Senate advise and consent to the appointment of Henry Wheaton, agreeably to the nomination.

The Senate proceeded, by unanimous consent, to the consideration of the message nominating Joel R. Poinsett; and,

On motion by Mr. Linn,

*Resolved*, That the Senate advise and consent to the appointment of Joel R. Poinsett, agreeably to the nomination.

The Senate proceeded, by unanimous consent, to the consideration of the message nominating John Bell; and,

On motion by Mr. Black,

*Resolved*, That the Senate advise and consent to the appointment of John Bell, agreeably to the nomination.

*Ordered*, That the messages nominating Powhatan Ellis, George M. Dallas, William W. Chew, William H. Haywood, John R. Conway, and Hiram G. Runnels be severally referred to the Committee on Foreign Relations.

*Ordered*, That the message nominating Abraham Van Buren be referred to the Committee on Public Lands.

*Ordered*, That the messages nominating James C. Gallaher as a consul, and sundry persons as officers of the customs, be severally referred to the Committee on Commerce.

*Ordered*, That the message nominating Heman Lowry be referred to the Committee on the Judiciary.

*Ordered*, That the message nominating John P. Henry be referred to the Committee on Naval Affairs.

Mr. Nicholas presented a memorial from R. Garland and others, late members of the House of Representatives, opposed to the confirmation of the appointment of William Smith as an associate judge of the Supreme Court of the United States; and

*Ordered*, That it be referred to the Committee on the Judiciary.

Mr. Walker presented the petition of Edmund L. Dubarry, stating the grounds of his claim to rank as a surgeon in the Navy, complaining of injustice done him, and praying to be restored to the rank of which he has been deprived.

*Ordered*, That it be referred to the Committee on Naval Affairs.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred the nomination of George M. Dallas, reported.

Whereupon

The Senate proceeded, by unanimous consent, to consider the said nomination; and,

On motion by Mr. Buchanan,

*Resolved*, That the Senate advise and consent to the appointment of George M. Dallas, agreeably to the nomination.

Mr. Buchanan, from the same committee, to whom had been referred the nomination of William W. Chew, reported.

The Senate proceeded, by unanimous consent, to consider the said nomination; and,

On motion by Mr. Buchanan,

*Resolved*, That the Senate advise and consent to the appointment of William W. Chew, agreeably to the nomination.

Mr. Buchanan, from the same committee, to whom was referred the nomination of Alcée La Branche, contained in the message of the 3d instant, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Alcée La Branche, agreeably to the nomination.

The Senate resumed the consideration of the nomination of Daniel B. Turner, contained in the message of the 6th of January last; and,

On motion by Mr. Robinson,

*Resolved*, That the Senate advise and consent to the appointment of Daniel B. Turner, agreeably to the nomination.

The Senate resumed the consideration of the message of the 2nd instant nominating Benjamin K. Pierce and others for brevet promotions in the Army; and,

On the question to agree to the nomination of Benjamin K. Pierce,

It was determined in the affirmative, { Yeas ..... 32  
Nays ..... 7

On motion by Mr. Benton,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Buchanan, Cuthbert, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, McKean, Morris, Mouton, Nicholas, Norvell, Parker, Preston, Rives, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Tallmadge, Walker, Wall, White, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Bayard, Clay, Crittenden, Kent, Southard, Spence, Swift.

On motion by Mr. Preston,

That the Senate agree to the residue of the nominations contained in said message of the 2nd instant,

It was determined in the affirmative, { Yeas ..... 28  
Nays ..... 13

On motion by Mr. Clay,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Buchanan, Cuthbert, Fulton, Grundy, Kent, King of Alabama, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Parker, Preston, Rives, Robinson, Smith of Connecticut, Smith of Indiana, Tallmadge, Walker, Wall, White, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Bayard, Clay, Clayton, Crittenden, Davis, Knight, McKean, Prentiss, Southard, Spence, Swift, Tipton, Webster.

So it was

*Resolved*, That the Senate advise and consent to the brevet promotions of Benjamin K. Pierce, Thomas Childs, William M. Graham, Richard B. Lee, James A. Ashby, Campbell Graham, William S. Maitland, and Alfred Herbert, agreeably to their nominations respectively.

The Senate resumed the consideration of the message of the 2nd instant nominating Archibald Henderson and others for brevet promotions in the Army and Marine Corps.

On motion by Mr. Preston that it lie on the table,

It was determined in the affirmative, { Yeas ..... 30  
Nays ..... 14

On motion by Mr. Benton,

The yeas and nays being desired by one-fifth of the Senators present,  
Those who voted in the affirmative are,

Messrs. Bayard, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Davis, Grundy, Kent, King of Alabama, King of Georgia, Knight, Linn, McKean, Mouton, Nicholas, Niles, Norvell, Parker, Prentiss, Preston, Rives, Smith of Indiana, Southard, Spence, Swift, Tipton, Webster, White.

Those who voted in the negative are,

Messrs. Allen, Benton, Cuthbert, Fulton, Hubbard, Robinson, Ruggles, Smith of Connecticut, Tallmadge, Walker, Wall, Williams, Wright, Young.

Mr. Grundy, from the Committee on the Judiciary, to whom was referred the nomination of Heman Lowry, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nomination; and,

On motion by Mr. Grundy,

*Resolved*, That the Senate advise and consent to the appointment of Heman Lowry, agreeably to the nomination.

Mr. Walker, from the Committee on Public Lands, to whom was referred the nomination of Abraham Van Buren, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nomination; and,

On motion by Mr. Walker,

*Resolved*, That the Senate advise and consent to the appointment of Abraham Van Buren, agreeably to the nomination.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred the nomination of William H. Haywood, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nomination; and,

On motion by Mr. Buchanan,

*Resolved*, That the Senate advise and consent to the appointment of William H. Haywood, agreeably to the nomination.

Mr. Davis, from the Committee on Commerce, to whom was referred the message of this date nominating certain officers of the customs, reported.

Whereupon

The Senate proceeded, by unanimous consent, to consider the said nominations; and,

On motion by Mr. Davis,

*Resolved*, That the Senate advise and consent to the appointment of John Anderson, John F. Scamman, Barnabas Palmer, Mark Dennet, Schuyler Sampson, Walter R. Danforth, Noah A. Phelps, William H. Ellis, John Willis, Samuel Starkweather, P. R. R. Pray, Charles Duffee, George Brown, James Mosher, Joseph Prentiss, Miles Elliott, jr., agreeably to their nominations respectively.

Mr. Wall presented the memorial of John R. Coxe, jr., setting forth the grounds of his claim for restoration to his original rank as a lieutenant in the Navy, of which he complains of having been unjustly deprived by the sentence of a court-martial, and praying that in the confirmation of his reappointment that rank may be secured to him.

*Ordered*, That the said memorial be placed on the executive files of the Senate.

The Senate then adjourned.

WEDNESDAY, MARCH 8, 1837.

The Senate resumed the consideration of the resolution reported by the Committee on the Judiciary, in relation to the appointment of the Honorable Ambrose H. Sevier; and,

On the question, Will the Senate agree to the resolution?

It was determined in the affirmative, { Yeas..... 26  
Nays .. 19

On motion by Mr. Grundy,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Buchanan, Clayton, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Robinson, Ruggles, Smith of Connecticut, Tipton, Walker, Wall, White, Wright, Young.

Those who voted in the negative are,

Messrs. Bayard, Black, Clay, Crittenden, Davis, Kent, King of Alabama, King of Georgia, Knight, McKean, Morris, Mouton, Prentiss, Robbins, Smith of Indiana, Southard, Swift, Webster, Williams.

Whereupon

The oath prescribed by law was administered to the honorable Mr. Sevier, and he took his seat in the Senate.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States:*

I nominate to the Senate Charles Ellis to be secretary of the legation of the United States to the United Mexican States.

WASHINGTON, *March 6th*, 1837.

M. VAN BUREN.

I nominate to the Senate Charles A. Ingersoll, of Conn't, to be secretary of the legation of the United States to the court of His Majesty the King of Prussia.

WASHINGTON, *March 7th*, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate Michael W. Ash, of Pennsylvania, to be Navy agent for Philadelphia, in the place of Henry Toland, whose term of office has expired and who declines a reappointment.

WASHINGTON CITY, *March 7th*, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate John M. Gardner, Spencer C. Gist, Charles Heywood, Alexander C. Maury, Oliver S. Glisson, John A. Dahlgren, Stephen C. Rowan, Edward R. Thomson, James T. Macdonough, Guert Gansvoort, William Lambert, William Ward, Robert Handy, Henry Darcantel, Burritt Shepard, Charles Green, Edward L. Handy, Melancton Smith, Francis Huger, William C. Chaplin, to be lieutenants in the Navy from this date.

WASHINGTON, *March 8th*, 1837.

M. VAN BUREN.

*To the Senate of the United States:*

I nominate Montfort Stokes, John W. A. Sandford, and Joshua Pilcher to be Indian agents under the act of Congress of the 3d of March, 1837.

WASHINGTON, *March 6th*, 1837.

M. VAN BUREN.

*To the Senate of the United States :*

I nominate for appointment the following land officers, viz :

Edward Humphreys to be receiver of public moneys for the district of lands subject to sale at Kaskaskia, in the State of Illinois, from the 5th day of March, 1837, when his present commission will expire.

John Wyatt to be register of the land-office for the district of lands subject to sale at Springfield, in the State of Illinois, from the 5th day of March, 1837, vice George Forquer, resigned.

Edward A. Hannegan to be register of the land-office for the district of lands subject to sale at Laporte, in the State of Indiana, vice David Robb whose commission has expired.

M. VAN BUREN.

WASHINGTON, *March 7th*, 1837.

*To the Senate of the United States :*

I nominate for appointment the following land officers, viz :

Guy W. Smith to be receiver of public moneys for the district of lands subject to sale at Palestine, in the State of Illinois, from the 5th instant, when his late commission expired.

Joseph Kitchell to be register of the land-office for the district of lands subject to sale at Palestine, in the State of Illinois, from the 5th inst., when his late commission expired.

M. VAN BUREN.

WASHINGTON, *March 8th*, 1837.

The messages were severally read.

*Ordered*, That the messages nominating Charles Ellis and Charles A. Ingersoll, of Connecticut, be severally referred to the Committee on Foreign Relations.

*Ordered*, That the messages nominating land officers be severally referred to the Committee on the Public Lands.

*Ordered*, That the message nominating Montfort Stokes, John W. A. Sandford, and Joshua Pilcher be referred to the Committee on Indian Affairs.

*Ordered*, That the messages nominating certain officers for promotions and appointment in the Navy be severally referred to the Committee on Naval Affairs.

Mr. Davis, from the Committee on Commerce, to whom was referred the message of the 7th instant nominating James C. Gallaher, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of James C. Gallaher, agreeably to the nomination.

On motion by Mr. Davis,

The Senate resumed the consideration of the nomination of Denny McCobb, contained in the message of the 25th of February last; and,

On motion by Mr. Davis,

That the said nomination be postponed to the next session of Congress,

On motion by Mr. Hubbard,

*Ordered*, That it lie on the table.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the message of the 3d instant nominating officers of the Army for promotion and appointment, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the promotion of George Nauman, Charles B. Chalmers, Samuel McKenzie, Horace Brooks, Julius J. B. Kingsbury, George W. Patten, Seneca G. Simmons, Robert F. Baker, Thomas Swords, Asbury Ury, and to the appointment of William E. Aisquith, L. D. Cabanné, William Albertis, Charles E.

Woodruff, Charles Belin, Wilmot Martin, William Root, Daniel H. McPhail, John Connor, and Philip Kearney, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom was referred, on the 27th of December last, the nomination of Daniel B. Spencer, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Daniel B. Spencer, agreeably to the nomination.

Mr. Grundy, from the Committee on the Judiciary, to whom was referred the message of the 3d instant nominating John Catron and William Smith to be associate judges of the Supreme Court of the United States, reported.

The Senate proceeded to consider the said nominations.

On the question, To advise and consent to the appointment of John Catron?

It was determined in the affirmative, { Yeas ..... 28  
Nays ..... 15

On motion by Mr. Grundy,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Buchanan, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lyon, McKean, Mouton, Nicholas, Niles, Norvell, Pierce, Rives, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Tipton, Walker, Wall, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Bayard, Black, Clay, Clayton, Crittenden, Davis, Kent, Parker, Prentiss, Preston, Robbins, Southard, Swift, Webster, White.

On the question to advise and consent to the appointment of William Smith,

It was determined in the affirmative, { Yeas ..... 23  
Nays ..... 18

On motion by Mr. Black,

The yeas and nays being desired by one fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Cuthbert, Fulton, Grundy, Hubbard, King of Alabama, Linn, Morris, Niles, Parker, Pierce, Rives, Robinson, Sevier, Smith of Connecticut, Tipton, Walker, Wall, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Bayard, Black, Clay, Clayton, Crittenden, Davis, Kent, McKean, Mouton, Nicholas, Prentiss, Preston, Robbins, Smith of Indiana, Southard, Swift, Webster, White.

So it was

*Resolved*, That the Senate advise and consent to the appointment of John Catron and William Smith, agreeably to their nominations respectively.

The following message was received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States :*

I nominate Peter D. Vroom, of New Jersey; Thomas I. Randolph, of Virginia, and Publius R. R. Pray, of Mississippi, to be commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians, under the act of Congress of the 3d March, 1837.

WASHINGTON, *March 8th*, 1837.

M. VAN BUREN.

The message was read.

*Ordered*, That it be referred to the Committee on Public Lands.

Mr. White, from the Committee on Indian Affairs, to whom was referred the message nominating Montfort Stokes, John W. A. Sandford, and Joshua Pilcher, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nominations; and

*Resolved*, That the Senate advise and consent to the appointment of Montfort Stokes, John W. A. Sandford, and Joshua Pilcher, agreeably to their nominations respectively.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred the messages of the 7th instant nominating John R. Conway and Hiram G. Runnels, made the following report:

The Committee on Foreign Relations, to which was referred the nomination of Hiram G. Runnels, of Mississippi, to be commissioner, and that of John R. Conway, of Arkansas, to be surveyor, to run the southwestern boundary line of the United States, report:

That by the treaty of January the 3d, 1828, the boundary line was fixed between the United States and Mexico, but the provision which was made for running and marking the line was not carried into execution within the time limited by its terms. To remedy this omission a convention was concluded at the City of Mexico on the 3d April, 1835, between the contracting parties, under which each of them engaged to appoint a commissioner and surveyor to run and mark this boundary line within one year from the exchange of its ratifications, which took place at the city of Washington on the 20th April, 1836. It was doubtless for the purpose of executing this convention that a clause was inserted by Congress in the bill to provide for the civil and diplomatic expenses of the Government for the year 1837, appropriating the salary and expenses of a commissioner and surveyor; and the President of the United States has therefore felt it to be his duty to send nominations of these officers to the Senate.

Your committee believe, however, that the recognition of the independence of Texas by the United States has entirely changed the aspect of this affair. Mexico has no longer any control over the boundary in question; Texas has now become the party interested in its adjustment. If the United States should appoint a commissioner and surveyor, and they should be met by a commissioner and surveyor appointed by Mexico, this would be a violation of the rights of Texas, whose independence has just been recognized by the Government of the United States.

The committee are sensible that, under the law of nations, Texas, which was a part of Mexico when the treaty of 1828 was concluded and ratified, is not released from executing its provisions in consequence of having since become an independent state. They deem it more politic and wise, however, under existing circumstances, to permit the question to rest for the present. The mode and manner of executing the treaty of 1828, in regard to the boundary line, will properly become a subject of negotiation between the United States and Texas in case the latter should maintain her independence.

The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the nomination of Hiram G. Runnels to be commissioner, and that of John R. Conway to be surveyor, to run the southwestern boundary line of the United States, be laid upon the table.

On motion by Mr. Buchanan,

The Senate proceeded to consider the said resolution; and

*Resolved*, That the Senate concur therein.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred the message of the 7th instant nominating Powhatan Ellis, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Powhatan Ellis, agreeably to the nomination.

Mr. Buchanan, from the same committee, to whom was referred the nomination of Charles Ellis, contained in the message of the 7th instant, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Charles Ellis, agreeably to the nomination.

Mr. Buchanan, from the same committee, to whom was referred the message of this day nominating Charles A. Ingersoll, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nomination; and,

On motion by Mr. Buchanan,

*Resolved*, That the Senate advise and consent to the appointment of Charles A. Ingersoll, agreeably to the nomination.

Mr. Walker, from the Committee on the Public Lands, to whom was referred the message of this day nominating Guy W. Smith and Joseph Kitchell, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nomination; and,

On motion by Mr. Walker,

*Resolved*, That the Senate advise and consent to the appointment of Guy W. Smith and Joseph Kitchell, agreeably to their nominations respectively.

Mr. Walker, from the same committee, to whom was referred the message of this day nominating Peter D. Vroom, Thomas J. Randolph, and Publius R. R. Pray, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nominations; and,

On motion by Mr. Walker,

*Resolved*, That the Senate advise and consent to the appointment of Peter D. Vroom, Thomas J. Randolph, and Publius R. R. Pray, agreeably to their nominations respectively.

Mr. Walker, from the same committee, to whom was referred the nomination of Charles B. Flood, contained in the message of the 25th of February last, reported.

The Senate then adjourned.

#### THURSDAY, MARCH 9, 1837.

On motion by Mr. Southard,

*Ordered*, That Tench Ringgold have leave to withdraw his petition and papers.

On motion by Mr. McKean,

*Ordered*, That two members be added to the Committee on Contingent Expenses of the Senate, to supply the vacancies of Mr. Hendricks and Mr. Tomlinson.

It was agreed that the President appoint the committee; and Mr. Niles and Mr. Knight were appointed accordingly.

On motion by Mr. Lyon,

*Ordered*, That the plan, survey, and estimates for improving the harbor at Milwaukee, Wisconsin Territory, communicated with the report of the Secretary of the 27th of February last, be printed for the use of the Senate.

The Senate resumed the consideration of the nomination of Charles B. Flood, contained in the message of the 25th of February last; and,

On motion by Mr. Walker,

*Resolved*, That the Senate advise and consent to the appointment of Charles B. Flood, agreeably to the nomination.

Mr. Walker, from the Committee on the Public Lands, to whom was referred the message of the 8th instant nominating Edward Humphreys, John Wyatt, and Edward A. Hannegan, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Edward Humphreys and Edward A. Hannegan, agreeably to their nominations respectively.

*Resolved*, That the Senate do not advise and consent to the appointment of John Wyatt.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States:*

I nominate Edmund Forstall to be treasurer of the branch mint at New Orleans, in the State of Louisiana.

M. VAN BUREN.

WASHINGTON, *March 9th*, 1837.

*To the Senate of the United States:*

I nominate Claiborne W. Gooch to be deputy postmaster at Richmond, Va., in the place of William H. Roane, who declines the appointment.

M. VAN BUREN.

WASHINGTON, *March 8th*, 1837.

*To the Senate of the United States:*

I nominate James L. Edwards for reappointment to the office of Commissioner of Pensions, under the act of the 3d of March, 1837, "to continue the office of Commissioner of Pensions."

M. VAN BUREN.

WASHINGTON, *March 8th*, 1837.

The messages were severally read.

*Ordered*, That the message nominating Edmund Forstall be referred to the Committee on Finance.

*Ordered*, That the message nominating Claiborne W. Gooch be referred to the Committee on the Post-Office and Post-Roads.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of James L. Edwards; and,

On motion by Mr. Buchanan,

*Resolved*, That the Senate advise and consent to the appointment of James L. Edwards, agreeably to the nomination.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred the message of the 2nd instant nominating Edmund L. Dubarry, reported the same with an amendment.

Whereupon, in concurrence therewith,

*Resolved*, That the Senate advise and consent to the appointment of

Edward L. Dubarry, of Pennsylvania, to be a surgeon in the Navy, to take rank next after John Haslett, which would now be his position on the Navy list if he had not been dismissed; but this reappointment is not to give him any claim to pay for the time he has been out of the service.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred the message of the 3d instant nominating William H. Freeman, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of William H. Freeman, agreeably to the nomination.

Mr. Rives, from the same committee, to whom was referred the message of the 7th instant nominating lieutenants in the Navy, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of John M. Gardner, Spencer C. Gist, Charles Heywood, Alexander C. Maury, Oliver S. Glisson, John A. Dahlgren, Stephen C. Rowan, Edward R. Thomson, James T. Macdonough, Guert Gansevoort, William Lambert, William Ward, Robert Handy, Henry Darcantel, Burritt Shepard, Charles Green, Edward L. Handy, Melancton Smith, Francis Huger, and William C. Chaplin, agreeably to their nominations respectively.

Mr. Rives, from the same committee, to whom was referred the message of the 7th instant nominating John P. Henry, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of John P. Henry, agreeably to the nomination.

Mr. Rives, from the same committee, to whom was referred the message of the 8th instant nominating Michael W. Ash, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Michael W. Ash, agreeably to the nomination.

On motion by Mr. Ruggles,

The Senate resumed the consideration of the nomination of Denny McCobb, contained in the message of the 25th of February last; and

On the question to postpone the said nomination to the next session of Congress,

It was determined in the affirmative, { Yeas..... 19  
Nays..... 8

On motion by Mr. White,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Buchanan, Cuthbert, Davis, Fulton, Hubbard, Kent, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Pierce, Smith of Indiana, Tallmadge, Tipton, Wall, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Allen, Benton, Black, Rives, Robbins, Robinson, Ruggles, White.

The following message was received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

*To the Senate of the United States :*

I nominate Stephen A. Douglass to be register of the land office for the district of lands subject to sale at Springfield, in the State of Illinois, vice George Forquer, resigned.

M. VAN BUREN.

WASHINGTON, *March 9th*, 1837.

The message was read.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said message; and,

On motion by Mr. Robinson,

*Resolved*, That the Senate advise and consent to the appointment of Stephen A. Douglass, agreeably to the nomination.

A quorum of the Senate not being present,

On motion by Mr. Benton,

The following order was adopted and issued:

*Ordered*, That the Sergeant-at-Arms summon the members of the Senate now in Washington to appear forthwith in the Senate.

By order of the Senate.

WILLIAM R. KING,

*President pro tempore.*

Mr. Wright, from the Committee on Finance, to whom was referred the message of this day nominating Edmund Forstall, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nomination; and,

On motion by Mr. Wright,

*Resolved*, That the Senate advise and consent to the appointment of Edmund Forstall, agreeably to the nomination.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom was referred the message of this day nominating Claiborne W. Gooch, reported.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the said nomination; and,

On motion by Mr. Robinson,

*Resolved*, That the Senate advise and consent to the appointment of Claiborne W. Gooch, agreeably to the nomination.

On motion by Mr. Black,

*Resolved*, That the injunction of secrecy be removed from the proceedings on the nomination of William Smith.

On motion by Mr. Wright,

*Resolved*, That a committee be appointed to wait on the President of the United States and inform him that the Senate, having finished the business before them, are ready to adjourn, unless he may have any further communication to make.

*Ordered*, That Mr. Wright and Mr. Lyon be the committee.

On motion by Mr. Tallmadge,

*Resolved*, That when the Senate adjourns it be to meet at 10 o'clock to-morrow morning.

On motion by Mr. Hubbard,

The Senate adjourned.

FRIDAY, MARCH 10, 1837.

On motion by Mr. Hubbard,

The Senate adjourned *sine die*.